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# 3653

## WARRANTY DEED

THIS WARRANTY DEED, made this ~~November~~ <sup>OCTOBER</sup> 27, 1993 by ROBERT C. BYRNE of Miami, Florida, to DUANE E. WHEELER and ELISABETH F. WHEELER of Waterville, County of Kennebec, State of Maine.

TRANSFER  
TAX  
PAID

ROBERT C. BYRNE, in consideration of one dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does *give, grant, bargain, sell and convey* unto DUANE E. WHEELER and ELISABETH F. WHEELER as joint tenants, and DUANE E. WHEELER and ELISABETH F. WHEELER's heirs, successors and assigns, the following described premises, situated at 42 Roosevelt Avenue, in the city of Waterville, County of Kennebec, State of Maine and further described as follows:

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A certain lot or parcel of land situated on Roosevelt Avenue in said Waterville, Maine and bounded and described as follows: Starting at a stake set in the ground on the westerly side of Hillcrest Extension, so-called, at the junction of said Hillcrest Extension with Roosevelt Avenue; thence proceeding to the west along the southerly line of said Roosevelt Avenue, a distance of seventy (70) feet; thence proceeding at right angles to the south a distance of one hundred (100) feet, thence proceeding at right angles to the east along the northerly line of land of James Dean a distance of seventy (70) feet to Hillcrest Extension; thence proceeding at right angles to the north a distance of one hundred (100) feet in and along the westerly line of said Hillcrest Extension to the point of beginning.

Also a second lot or parcel of land situated on said Roosevelt Avenue and being the easterly half of Lot #61 as indicated on a plan and profile of Roosevelt Avenue from Hillcrest Extension to North Street, made by E. B. Coffin, City Engineer, November 1931 and recorded in Kennebec Registry of Deeds, reference to which may be made for a more particular description. Said easterly half of Lot #61 has a frontage of thirty-five (35) on Roosevelt Avenue and is one hundred (100) feet deep, and is bounded on the east by Lot #60 on said above mentioned plan.

Each of the two lots hereby conveyed is made subject to the following restrictions: No building is to be built on either of said lots except one private house intended for occupancy by not more than two (2) families, and to cost not less than five thousand (\$5,000.00) dollars, and is to be set back at least twenty (20) feet from sidewalk, except that bay windows, porches and walks may be built within this reserved area. A garage for private use may be built on the premises, and is to be set back not less than sixty (60) feet from the sidewalk of Roosevelt Avenue, except where the garage is built as a part of the house. No livestock or poultry are to be kept on the premises excepting, however, household pets. These restrictions run with the land.

57-13

No buildings shall be built on the easterly half of Lot #61 except private garage in the rear thereof, but in the event that the whole of said Lot #61 should be owned by one person, or held in its entirety, jointly or in common, by more than one person then in that event buildings may be erected on said Lot #61 but in accordance with the above building restrictions.

Meaning and intending to hereby convey the same premises conveyed to Robert Byrne by warranty deed of Richard H. Pierce dated 3/31/93 and recorded in the Kennebec Registry in Book 4355, Page 114.

To have and to hold the above-described property, together with all the privileges and appurtenances thereunto belonging, unto Grantee and Grantee's heirs, successors and assigns, forever. And ROBERT C. BYRNE for himself and his heirs, executors and administrators, hereby *covenants* with DUANE E. WHEELER and ELISABETH F. WHEELER, and DUANE E. WHEELER and ELISABETH F. WHEELER's heirs, successors and assigns, that Grantor is lawfully seized in fee simple of the above-described premises; that Grantor has a good right to convey such premises; that the premises are free from all encumbrances, except as listed (list any encumbrances); That Grantor and Grantor's heirs, executors and administrators will forever WARRANT AND DEFEND all of the above-described property to Grantee, Grantee's heirs, successors and assigns, against every person lawfully claiming the same or any part thereof;

OCTOBER 27,

Witness my hand on this November \_\_, 1993.

Witness

*Grace L. Sullivan*  
 \_\_\_\_\_

*Robert C. Byrne*  
 \_\_\_\_\_  
 ROBERT C. BYRNE

ACKNOWLEDGEMENT

Personally appeared the above named ROBERT C. BYRNE and acknowledged the foregoing instrument to be his free act and deed.

Date:

10/27/93

Notary Public

*Thomas H. Harrington Jr.*  
 \_\_\_\_\_

NOTARY PUBLIC STATE OF FLORIDA  
 MY COMMISSION EXP. MAY 1, 1995  
 BONDED THRU GENERAL INS. UND.

RECEIVED KENNEBEC SS.

93 NOV 15 AM 9:00

ATTEST *Thomas H. Harrington Jr.*  
 \_\_\_\_\_  
 REGISTER OF DEEDS